

IN RE: REALPAGE, INC., RENTAL	)	Case No. 3:23-md-3071
SOFTWARE ANTITRUST LITIGATION	)	MDL No. 3071
(NO. II)	)	
	)	Chief Judge Waverly D. Crenshaw, Jr.
	)	
	)	JURY DEMAND
	)	
	)	This Document Relates to:
	)	3:22-cv-01082
	)	3:23-cv-00440
	)	3:23-cv-00552

Plaintiffs in certain matters transferred to this multidistrict litigation (“MDL”) originally named “Cortland Partners, LLC” as a Defendant. Counsel for that entity conferred with Plaintiffs’ Co-Lead Counsel, indicating that the correct Defendant was “Cortland Management, LLC.” Accordingly, in the Consolidated Amended Complaint (Dkt. 291), Multi-Family Plaintiffs named “Cortland Management, LLC” as a Defendant (and, correspondingly, did not name “Cortland Partners, LLC” as a Defendant in the Complaint). The same is true for the First Amended Consolidated Class Action Complaint. (Dkt. 314).

The pleadings in the underlying dockets, including in the above-captioned matters list the original “Cortland” entity rather than the corrected one. As to the above-captioned matters, Plaintiffs therefore respectfully move the Court to: (1) deem “Cortland Management, LLC” as

<sup>1</sup> Plaintiffs prematurely filed a similar Motion (Dkt. 363) without the requisite pre-motion conferral. Plaintiffs promptly moved to withdraw the Motion (Dkt. 366), conferred with defense counsel about this Motion as reflected herein, and respectfully ask the Court to grant this renewed Motion.

substituted for “Cortland Partners, LLC” in each case; and (2) terminate “Cortland Partners, LLC” as a Defendant on each docket. Plaintiffs also submit that filing individual amended complaints in each of these actions would not be a good use of party or judicial resources. Accordingly, in the interests of conservation of resources and judicial economy, Plaintiffs respectfully request that the Court also defer the need for the Plaintiff(s) in each of these matters to file an amended pleading reflecting this substitution until further order of the Court.

Co-Lead Counsel has conferred with counsel for the Cortland entities regarding this proposed motion. In return for Cortland Management, LLC’s agreement to: (1) not oppose the present motion; (2) not contest that the Middle District of Tennessee is an appropriate venue and/or has personal jurisdiction over Cortland Management, LLC, both for the purpose of pre-trial proceedings, and any trial ultimately held in Middle District of Tennessee; (3) accept service of the *Kabisch v. RealPage, Inc., et al.*, complaint filed in this Court on July 26, 2023, Case No. 3:23-cv-00742; and (4) not object to the inclusion of Plaintiff Kabisch in the forthcoming master Multifamily MDL complaint, Plaintiffs have agreed to: (1) file the present unopposed motion; and (2) promptly file a notice of voluntary dismissal of Cortland Partners, LLC as to all other transferor complaints, which they will do simultaneously with the present motion.<sup>2</sup> Plaintiffs therefore respectfully request the Court to grant the relief requested herein.

Dated: August 4, 2023

/s/ Tricia R. Herzfeld

Tricia R. Herzfeld (#26014)  
Anthony A. Orlandi (#33988)

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<sup>2</sup> Plaintiffs will file a notice of voluntary dismissal in the following actions: Case Nos. 3:23-cv-00326, 3:23-cv-00330, 3:23-cv-00357, 3:23-cv-00339, 3:23-cv-00345, 3:23-cv-00358, 3:23-cv-00377, 3:23-cv-00378, 3:23-cv-00379, 3:23-cv-00381, 3:23-cv-00390, 3:23-cv-00410, 3:23-cv-00411, 3:23-cv-00414, and 3:23-cv-00415.

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*Plaintiffs' Steering Committee Counsel for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Tricia R. Herzfeld  
Tricia R. Herzfeld